

REMARKS

Claims 1-5 are now pending in this application. In this regard, Claim 6 has been cancelled by this Amendment without prejudice or disclaimer of the subject matter presented therein. All of the pending claims have been amended as to matters of form. In addition, Claim 1 has been amended in a manner supported by the specification as originally filed at least at paragraph [0010] and paragraph [0028] of the corresponding U.S. Patent Application Publication No. 2008/0139244. Favorable reconsideration is respectfully requested.

The Applicants thank the Examiner for review and acceptance of the drawings, and for acknowledgment of Applicants' Information Disclosure Statement. Applicants also thank the Examiner for acknowledgment of receipt of the certified copy of the priority document.

Pending Claims 1-5 stand rejected under 35 U.S.C. 102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2006/0111143 (Pande et al.). Applicants note, however, that the Pande et al. publication was filed November 7, 2005, which is after the present application's PCT filing date of December 3, 2004. In accordance with MPEP 201.13(b) and 35 USC 365(c), Applicants respectfully submit that the Pande et al. publication should be removed as a reference against the present application and request withdrawal of the corresponding Section 102(e) rejections.

Should the Examiner be inclined to present similar rejections in a further Office Action based on Pande et al.'s parent application 10/490,786 (published as US-2004/0189517 (the "Pande et a. Parent")), please consider the following remarks.

INDEPENDENT CLAIM 1

Amended independent Claim 1, from which all other claims depend, requires a method for adding characterization data linked to an image, using a mobile terminal including a means of digital image capture and other means of linking and saving digital data capable of communicating with the image

capture means, the method being implemented in a communication network with coverage by cells, a cell ID being automatically linked to each cell. The method includes automatically saving, in the mobile terminal, the cell ID of the network which contains the geographic location where the capture of at least one image was performed using the mobile terminal. The method also includes automatically linking the cell ID with a characterization identifier linked to the image capture and entered using the terminal, to form a pair of these IDs. The characterization identifier has alphabetical characters describing a location, a name, or an activity. The method further includes automatically saving, in the mobile terminal, the ID pair formed in the automatically linking step.

The Pande et al. Parent is believed not to disclose or suggest all of the features of amended Claim 1. For example, Claim 1 requires automatically linking a “cell ID with a characterization identifier linked to the image capture and entered using the terminal, to form a pair of these IDs, said characterization identifier having alphabetical characters describing a location, a name, or an activity.” (underline added for emphasis). See Paragraphs [0010], [0028], [0029] in the publication of the present application, which states, in part, that “the invention enables the user to enter, using the keyboard 21 of the terminal 10, a characterization identifier linked to the image capture that has just been recorded in this geographic location.” (Paragraph [0028]). “This characterization identifier ... has a number of characters, preferably alphabetical, ... which advantageously provide a characterization of the location of the shot: for example a house name, street or city name ... [o]r ... an activity: ‘work’, ‘conferences’, etc.” (Paragraph [0010]). A user can also “choose a contact as characterization identifier of the geographic location (‘Peter’, ‘Mary’, etc.)” (Paragraph [0028]). When entry of the characterization identifier ... is performed, ... the invention enables ... the cell ID of the geographic location of the image capture to be linked automatically with the characterization identifier” (Paragraph [0029]).

In contrast, the Pande et al. Parent is not understood to teach or suggest such a user-developed characterization identifier linked to an image capture, and the linking of the characterization identifier to a cell ID. In

particular, the Pande et al. Parent is understood to teach the use of a digital image, mobile id 222, measured characteristics of a cell site 104, location data, location characteristics, and tagging, none of which are believed to qualify as a “characterization identifier,” defined by Claim 1. Each of these will be discussed, in turn, below.

The Pande et al. Parent describes transmitting, from a wireless device 102, a “digital image, mobile id 222 and measured characteristics of the cell site 104 to the service center (E911 center) 120” (Paragraph [0039] (underline added)). “The service center 120 accesses the database with the mobile id 222 and determines an approximate location.” (Paragraph [0039]). The digital image is understood to be compared to a plurality of reference digital images to determine a more precise location. (Paragraph [0040]). The measured characteristics of the cell site 104 may or may not be used to further assist in determining a more precise location of the wireless device 102. (Paragraphs [0042] and [0043]).

No disclosure has been found in the Pande et al. Parent that teaches or suggests at least that the digital image, mobile id 222, or measured characteristics of a cell site 104 are a characterization identifier linked to [an] image capture and entered using the terminal, ... said characterization identifier having alphabetical characters describing a location, a name, or an activity”, as required by Claim 1. In addition, the Pande et al. Parent also is not believed to teach or suggest that the digital image, mobile id 222, or measured characteristics of a cell site 104 are automatically linked to a cell ID, as required by Claim 1.

For example, the digital image of the Pande et al. Parent is not understood at least to (a) be “linked to [an] image capture,” and (b) have alphabetical characters describing a location, a name, or an activity.”

The mobile id 222 is described by the Pande et al. Parent to be programmed into an EEPROM of a wireless device 102 and to be used to access a database to determine an approximate location. (Paragraphs [0033], [0035], and [0039]). Consequently, the mobile id 222 does not appear to be applicable at least to Claim 1’s requirements of a characterization identifier that (a) is entered using

the terminal, and (b) has alphabetical characters describing a location, a name, or an activity. Instead, the mobile id 222 appears to be a unique identifier for a particular wireless device, contrary to a characterization identifier per Claim 1.

The Pande et al. Parent provides examples of measured characteristics of a cell site 104 at paragraph [0052], stating that the “wireless device 102 determines the cell site characteristics for example by measuring the signal strength of the different received channels, signal-to-noise ratios, and power settings of cell site 104 in step 510.” Such characteristics are not understood to read upon Claim 1’s characterization identifier that at least (a) is entered using the terminal, and (b) has alphabetical characters describing a location, a name, or an activity.

In addition to a digital image, mobile id 222, and measured characteristics of a cell site, the Pande et al. Parent also refers to location data and location characteristics. Neither of these are believed to teach or suggest Claim 1’s characterization identifier.

For example, the Pande et al Patent describes that, in one embodiment, an alternate wireless device 102’ includes an SPS receiver 302, which “is a global positioning system (GPS) receiver and processor” (Paragraph [0044]). In this embodiment, a position computation processor 303 “receives data from the SPS receiver 302 and other cell characteristics and sensor location data from other wireless positioning systems such as Blue tooth, wireless local area networks, LORAN networks.” (Paragraph [0045]). “The position computation processor 303 computes the position and/or generates data, required by the server (123, FIG. 2) to determine the location data for the wireless device 102’.” (Paragraph [0045]). The Pande et al. Parent describes that “[i]f a SPS receiver 302 is present 710, then location data is included with the digital image 712. Otherwise, location characteristics are determined and associated with the digital image 714.” (Paragraph [0058] (underline added)). The Pande et al. Parent also describes that “[a] history of location data for the wireless device 102 may be used “to aid in making a match between the digital image and one of the reference digital images.” (Paragraph [0040] (underline added)).

Accordingly, the location data of the Pande et al. Parent is understood to be GPS data provided by the SPS receiver 302. GPS data, accordingly, is not understood to be a characterization identifier that at least (a) is entered using the terminal, and (b) has alphabetical characters describing a location, a name, or an activity, as required by Claim 1. Since the location characteristics are used when a SPS receiver 302 is not present, such characteristics are understood to be the “other cell characteristics and sensor location data from other wireless positioning systems such as Blue tooth, wireless local area networks, LORAN networks.” (Paragraphs [0045] and [0058]). None of such systems are understood to be taught or suggested to generate a characterization identifier that at least (a) is entered using the terminal, and (b) has alphabetical characters describing a location, a name, or an activity, as required by Claim 1.

The Pande et al. Parent also describes a tagging procedure. As described at paragraph [0056], The Pande et al. Parent states that its tagging process is “a process where the imager 202 is remotely activated resulting in a digital image and associated location data and/or location characteristics being sent to a service center 120 or viewing terminal 125 or 127.” (underline added). As discussed above, however, none of the digital image, the location data, or location characteristics are believed to meet Claim 1’s characterization identifier limitations. In other words, the Pande et al. Parent’s tagging process is not understood to introduce anything new with respect to Claim 1’s characterization identifier that has not already been discussed above.

In conclusion, none of the Pande et al. Parent’s digital image, mobile id 222, measured characteristics of a cell site 104, location data, location characteristics, or tagging are believed to qualify as a “characterization identifier,” defined by Claim 1. For at least the above-discussed reasons, Claim 1 is submitted to be patentable over the Pande et al. Parent.

DEPENDENT CLAIMS

The other claims in this application depend from Claim 1 and, therefore, are submitted to be patentable over the Pande et al. Parent for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

CLAIM 2

For example, Claim 2 requires that “forming of the ID pair is performed by automatically linking the respective IDs of at least two cells of a cell area, with a unique characterization identifier linked to the capture of at least one image performed in the at least two cells of the cell area.” The Office Action generally asserts that “Pande discloses that cells have various configurations.” See page 3 of the Office Action. Such assertion is respectfully traversed in that no disclosure in the Pande et al. Parent has not been found to teach or suggest the specific requirement of Claim 2, for example, pertaining to “automatically linking the respective IDs of at least two cells of a cell area, with a unique characterization identifier linked to the capture of at least one image performed in the at least two cells of the cell area.”

CLAIM 3

For another example, Claim 3 requires automatically comparing the cell ID containing the geographic location of the image capture with the ID pairs saved in the mobile terminal and automatically linking the cell ID ... with the characterization identifier linked to the corresponding image capture, the pair formed by said cell ID ... and the characterization identifier linked to the image capture being already saved in the mobile terminal.” Support for this feature can be found in the present published application at least at paragraph [0030], which states:

if the user of the terminal 10 has already recorded, in the past, at least one image in a geographic location, the method according to the invention enables, during the capture of a new image in this geographic location, the cell ID of the geographic location of this new image capture to be compared automatically with the IDs previously saved in the memory 20 of the mobile terminal 10. Then the cell ID of the geographic location of the image capture is automatically linked with the corresponding characterization identifier linked to this image capture.... This ... embodiment thus spares the user from reentering a characterization identifier linked to an image capture, if this ID was previously entered and saved.

The Pande et al. Parent is not understood to teach or suggest such use of a cell ID-characterization identifier pair already saved in a mobile terminal to help link a previously saved characterization identifier to an image capture. The Pande et al. Parent does state at paragraph [0040] that “[i]f a history of location data for a wireless device 102 has been created and stored in the database 122, then that information may be accessed in addition to reference images to aid in making a match between the digital image and one of the reference digital images.” (underline added). However, “location data” is understood to be GPS information (see Paragraph [0058]), and the database 122 is understood not to be in the wireless device 102 (see FIG. 1). Accordingly, Claim 3 is submitted to be further patentable over the Pande et al. Parent.

CLAIM 4

Claim 4 requires, among other things, automatically detecting at least one second mobile terminal placed in an environment close to the geographic location where the image capture is performed with the first terminal; automatically sending, from the first terminal to the at least one second surrounding mobile terminal detected, a request containing the cell ID containing

the geographic location of the image capture; automatically comparing, in each at least one second surrounding terminal, the cell ID containing the geographic location of the image capture received in the request sent by the first terminal with the ID pairs saved in the second terminal; automatically sending to the first terminal the characterization identifier linked to the cell ID containing the geographic location of the image capture received in the request sent by the first terminal; automatically linking the cell ID containing the geographic location of the image capture with the characterization identifier linked to the image capture sent to form a pair of these IDs; and automatically saving, in the first terminal, the ID pair formed in the automatically linking step.

Support for this claim can be found in the published application at least at paragraph [0031], which states, in part, that:

[i]n a third advantageous embodiment ..., the terminal 10 is equipped with a short-range radio communication module of the Bluetooth or Wi-Fi type [I]f the memory 20 of the first terminal 10 does not contain the saving of the cell ID of the geographic location where the image capture is performed, then the method enables the automatic detection ... of whether at least a second terminal of the same type ... [is] situated in an environment close to the first terminal 10 If at least one second terminal is detected, the first terminal 10 enables a request to be sent to the other surrounding terminals present, to determine, by comparison, if at least one of these other surrounding terminals has already saved a pair formed by the cell ID ... and a characterization identifier linked to the capture If at least one of the second terminals already has in memory an ID pair including the cell ID, the terminal 10 automatically receives a characterization identifier linked to this image capture in reply.

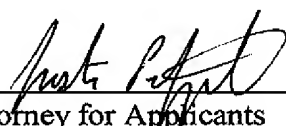
As allegedly teaching all of the limitations of Claim 4, the Office Action states that “Pande teaches tagging the image and determining the characteristics of the cell site, transmitting the image through the network to another device.” See page 4, bottom, of the Office Action (underline added). Even if the Pande et al. Parent were deemed to disclose such a teaching, neither the image nor the characteristics of the cell site are submitted to qualify as a characterization identifier, as defined by Claim 4 and for at least the reasons discussed above with respect to Claim 1. In addition, the transmission of an image through a network to another device is respectfully submitted not to meet at least Claim 4’s requirements of “automatically sending, from the first terminal to the at least one second surrounding mobile terminal detected, a request containing the cell ID containing the geographic location of the image capture,” and “automatically sending to the first terminal the characterization identifier.” Further, the Pande et al Parent is not understood to teach communication between its wireless devices 102 (or 102’), especially in the manner required by Claim 4. If the Examiner is aware of a specific discussion in the Pande et al. Parent that discusses communication between its wireless devices 102 (or 102’), the Examiner is respectfully requested to provide the appropriate citation for Applicants’ review.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and the allowance of the present application.

Should the Examiner consider that additional matters are outstanding to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned attorney for the purpose of discussing such matters.

Respectfully submitted,



Attorney for Applicants
Registration No. 52,118

Justin D. Petruzzelli/ct
Rochester, NY 14650
Telephone: (585) 726-7522
Facsimile: (585) 477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.